IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr.JUSTICE C.V.RAMULU

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W.P. Nos. 14862, 21590, 23909, 24900, 26224, 28923 and 29987 of 1995, 9096, 9192 and 12426 of 1996, 1110 and 28801 of 1997, 36918 of 1998, 3839, 4393, 9343, 16100 and 17150 of 1999, 2984 of 2001 and 3391 of 2004

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W.P.No.14862 of 1995:

Between:

K.Venkatapathi, S/o.Venkataswamy, aged about 35 years,

Warden (Grade-I), T.C.P.C., Anantapur.

..... PETITIONER

AND

1. The Managing Director, A.P. Vikalangula Cooperative Corporation, 11-4-634, B.Block, Venkatramana Apartment, A.C.Guards, Hyderabad.

2. A.Rami Reddy, S/o.Anjanappa, Projection Officer, A.P.Vikalangula Cooperation Corporation, (Now on deputation as A.P.O. in D.R.D.A., Ananthapur).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent-Corporation in not promoting the petitioner as Project Officer on par with the 2nd respondent w.e.f. 15.06.1989 in the Scale of Pay 1980-80-2780-90-3500 as bad and illegal and violative of equality clause and contrary to the Articles 14 and 16 of the Constitution of India and further direct the first respondent herein to grant notional promotion on par with the 2nd respondent from the date on which the 2nd respondent was appointed and grant monetary benefits including the Scale of Pay w.e.f. 14.9.1989, increment and such

other benefits admissible as per the Bye-laws and Rules of the Corporation

Counsel for the Petitioner: MR.KAKARAVENKATA RAO

Counsel for the Respondent Nos.1&2:MR.K.RAMANUJACHARI

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W. P. No. 21590 of 1995

Between:

P.Y.L.Narasimha Rao, S/o.P.Ramakotayya, aged about 48 years,

Accounts Officer, A.P.Vikalangula Cooperative Corporation, Hyderabad, resident of Hyderabad.

..... PETITIONER

AND

1. The Managing Director, A.P.Vikalangula Cooperative Corporation, A.P.Vikalangula Cooperative Corporation, H.no.11-4-634, 'B' Block, Venkataramana Apartments, A.C. Guards, Hyderabad – 500 004.

2. Sri K.Thimma Reddy, S/o. and age not known, Ex-Chairman, A.P.Vikalangula Cooperative Corporation, A.C.Guards, Hyderabad, R/o. Hyderabad.

3. Shri A.YadavReddy, S/o. and age not known, General Manager, A.P.Vikalangula Cooperative Corporation, 'Venkataramana Apartments', A.C.Guards,

Hyderabd – 500 004.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Certiorari and call for the records relating to and connected with the Resolution no.477 dated 16.7.1994 passed by the 27th Meeting of the Board of Directors of the first respondent Corporation which was held on 16.7.1994 and quash the same.

Counsel for the Petitioner: MR.P. NAVEEN RAO

Counsel for the Respondent Nos.1 to 3: MR.K. RAMANUJACHARI

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W.P.No.23909 of 1995:

Between:

1. Mrs.Pushpa Srinivasan, W/o.Sreenivasan, aged about 44 years, Programme Officer (Tech.), Speech Therapist at Gandhi Hospital, Hyderabad.

2. B.S.Syed, S/o.Rasool Sahab, 48 years, Programme Officer (Tech.), Physio Therapist, NIMS, Hyderabad.

3. M.A.Srikanth, S/o.M.A.narayanan, aged about 38 years, Programme Officer (Tech.) Speech Therapist, R.C.D. Hospital, Vizag.

4. S.A.Paul, S/o.Andrew Paul, 30 years, Programme Officer (Tech.), Orthotist, NIMS, Hyderabad.

….Petitioners

AND

The Managing Director, A.P.Vikalangula Cooperative Corporation, Venkataramana Apartments, A.C. Guards, Hyderabad.

….Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, directing the respondent to promote the petitioners as Programme Directors, in the Pay Scale of Rs.2240-90-2960-100-3860 and to give their due seniority with all consequential benefits from the date on which A.Yadava Reddy promoted.

Counsel for the Petitioners: Smt. A.Chaya Devi.

Counsel for the Respondent : Mr. K.Ramanujachari.

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W.P.No.24900 of 1995:

Between:

P.Venkateswarlu,S/o.Papa Rao, aged 38 years, Hindu,

Working as Supervisor (Tailoring), T.C.P.C., A.P.V.C.C., Ongole, PrakasamDistrict.

….Petitioner

AND

1. The Managing Director, A.P. Vikalangula Cooperative Corporation, Hydrabad.

2. Project Officer (T.C.P.C.Centre), Training cum Production Centre, A.P.V.C.C., Ongole, Prakasam District.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the 1st respondent to fix the basic pay scale of the petitioner as Rs.1280/- per month from 1.4.90 instead of Rs.910/- and to give all consequential benefits from 1.4.90.

Counsel for the Petitioners: Smt. A.Chaya Devi.

Counsel for the Respondent Nos.1&2 : Mr. K.Ramanujachari.

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W.P.No.26224 of 1995:

Between:

1. A.Vasantha, D/o.A.Purushotham, aged about 34 years, presently working as Junior Assistant, at Head Officer, A.P.Vikalangula Cooperative Corporation, Hyderabad.

2. D.Shankara Rao, S/o.D.Balaram, aged about 34 years, working as Junior

Assistant, at Braille Press, Malakpet Branch of A.P.Vikalangula Cooperative Corporation, Hyderabad.

3. K.Shakaraiah, S/o.Kashaiah, aged 30 years, working as Junior Assistant, at Head office, A.P.Vikalangula Cooperative Corporation, Hyderabad.

4. D.Parashuramulu, S/o.Ramaiah, aged about 34 years, working as Junior Assistant, at Head Office, A.P. Vikalangula Cooperative Corporation, Hyderabad.

….Petitioners

AND

The Managing Director, A.P.Vikalangula Cooperative Corporation, Venkataramana Apartments, A.C. Guards, Hyderabad – 500 004.

….Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, or order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to pay the scale of Junior Assistant to the petitioner from 30.11.1987 and declaring the action of the respondent in not giving due promotion and higher pay scale i.e. Rs.1100-40-1500-50-2050 to the petitioners as illegal, arbitrary, and unconstitutional and consequently direct the respondent to give promotion and pay scales on part with K.Eswara Rao, with all consequential benefits.

Counsel for the petitioners :Smt. A.Chaya Devi

Counsel for the Respondent : Mr.K.Ramanujachari.

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W.P.No.28923 of 1995:

Between:

B.Jagan Mohan, S/o.late Tirumala Rao, aged about 37 years, Occu: Helper (Technical) at Gandhi Hospital, A.P. Vikalangula Cooperative Corporation, Hyderabad, R/o.12-11-1573, Boudhnagar, Secunderabad.

….Petitioner

AND

1. The Government of Andhra Pradesh, rep. by its Secretary, Social Welfare Department, Secretariat Buildings, Saifabad, Hyderabad

2. The Managing Director, A.P.Vikalangula Cooperative Corporation, Venkataramana Apartments, A.C.Guards, Hyderabad.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, particularly in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not fixing the scale of pay of the petitioner as Rs.1010-1800/- as per G.O.Ms.No.288 Finance and Planning (Fin. Wing PRC-I) Department, dated 12.11.1986 and G.O.Ms.No.171 S.W. (Genl.) Department, dated 7.7.1987 of the Government of A.P., as arbitrary, illegal, in violation of Article 14 of Constitution of India and to issue a consequential direction to 2nd respondent to fix the scale of pay of the petitioner as Rs.1010-1800/- with effect from the date of regularization of services with all consequential benefits flowing therefrom forthwith.

Counsel for the petitioner: Mr. N.Gopichand.

Counsel for the Respondent No.1: G.P. for Social Welfare Dept.

Counsel for the Respondent No.2: Mr.K.Ramanujachari.

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W.P.No.29987 of 1995

Between:

K.Srinivasa Rao, S/o.Chandra Rao, aged 37 years,

Counselling-cum-Rehabilitation Officer, A.P. Vikalangula Cooperative Corporation, Krishna District, Machilipatnam.

….Petitioner

AND

The Andhra Pradesh Cooperative Corporation, Venkatramana Apartments, A.C. Guards, Hyderabad, rep. by its Managing Director.

….Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased

to issue a Writ of Mandamus, declaring the action of the respondent in not granting the pay scale of Rs.2240-3860 to the petitioner as arbitrary, illegal, discriminatory, violative of Articles 14, 21 and 300-A of the Constitution of India and issue a consequential direction, directing the respondent to give the pay scale of Rs.2240-90-2960-100-3860 with effect from 21-11-1990 as per proceedings No.Court/16906/94/95-96/F-522 dt.30.08.1995.

Counsel for the Petitioner: Mr.P.V.Krishnaiah.

Counsel for the Respondent: Mr.K.Ramanujachari.

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W.P.No.9069 of 1996:

Between:

B.V.Hanumantha Prasad, S/o.Venkata Narasimham, Hindu,

Aged about 36 years, Store Attender, Training-cum-Production

Centre for PhysicallyHandicapped, Vijayawada.

….Petitioner

AND

The Managing Director, A.P.Vikalangula Cooperative

Corporation, Hyderabad.

….Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly a writ in the nature of Mandamus declaring the proceedings No.E1/28310/95/Court/D-875, dated 26.3.1996 of the respondent as arbitrary, illegal, discriminatory and by nullifying the same direct him to fix the petitioner's pay in the scale of Rs.1010-1800 w.e.f. 1.7.1986 with all consequential and attendant benefits flowing there from together with monetary benefits along with interest and consequential and attendant benefits.

Counsel for the Petitioner: Mr. P.B.Vijaya Kumar.

Counsel for the Respondent: Mr.K.Ramanujachari.

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W.P.No.9192 of1996:

Between:

B.S.Ramanjaneyulu, S/o.Onnurappa, 30 years,

Occu:Store Keeper at Training-cum-Production Centre,

A.P.Vikalangula Coop. Corporation Ltd., Ananthapur.

….Petitioner

AND

1. A.P.Vakalangula Cooperative Corporation, Venkataramana Apartments, A.C. Guards, Hyderabad, rep. by its Managing Director.

2. The Project Officer, Training-cum-Production Centre, A.P.Vikalangula Cooperative Corporation Ltd., Industrial Estate, Ananthapur.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not fixing the scale of pay of the petitioner at Rs.1330-2630 in accordance with G.O.Ms.No.288 Finance and Planning (Finance Wing) Department, dated 12.11.1986, G.O.Ms.No.172 Social Welfare (G1) Department, dated 7.7.1987 of the Government of Andhra Pradesh as arbitrary, illegal, in violation of Articles14 and 21 of the Constitution of India and to further declare the action of the respondents in not extending the benefit of Revised Pay Scales of 1986 on par with petitioner's subordinates as null and void and consequently direct the respondents to fix the pay scale of the petitioner as Rs.1330-2630 w.e.f. 1.4.1988 with all consequential benefits following therefrom forthwith.

Counsel for the Petitioner: Mr. K.Venkat Rao.

Counsel for the Respondent Nos.1&2: Mr.K.Ramanujachari

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W.P.No.12426 of 1996:

Between:

V.Vijaya Kumari, S/o.Krishna Murthy, aged 34 years,

Project Officer, A.P.Vikalangula Cooperative Corporation,

Presently working as Asst. Project Officer, D.R.D.A.,

Vizianagaram District (on deputation).

….Petitioner

AND

1. The Managing Director, A.P. Vikalangula Cooperative Corporation, A.C.Guards, Hyderabad.
2. Sri A.Rami Reddy, Project Officer, T.C.P.C., A.P.Vikalangula Cooperative Corporation, Ananthapur, presently working as Assistant Project Officer, D.R.D.A., Ananthapur.(on deputation).

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, directing the first respondent to promote the petitioner as Project Officer, w.e.f. July, 1989 and fixe his pay scale as Rs.1980-3500 w.e.f. 1.9.1990 and declaring his due seniority with all consequential benefits from July, 1989.

Counsel for the Petitioner: Smt.A.Chaya Devi.

Counsel for the Respondent No.1:Mr.K.Ramanujachari.

Counsel for the Respondent No.2: Mr.P.gangaram Reddy.

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W.P.No.1110 of 1997:

Between:

A.Rami Reddy, S/o.Ajinappa, aged 40 years,

R/o.Ananthapur.

….Petitioner

AND

The Managing Director, A.P.Vikalangula Cooperative

Corporation, Hyderabad.

….Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Certiorari or any other appropriate writ or direction calling for the records relating to the proceedings No.E1/EE18/96/D, dated 8.1.1997 issued by the respondent and set aside the same as illegal and arbitrary.

Counsel for the Petitioner: Mr.P.Gangarami Reddy.

Counsel for the Respondent: Mr.K.Ramanujachari.

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W.P.No.28801 of 1997:

Between:

R.Srinivasa Rao, S/o.Radhakrishna Murthy,

Aged about 30 years, working as Production Manager,

Training-cum-Production Centre, A.P.Vikalangula Coop.

Corporation, Vijayawada.

….Petitioner

AND

1. The Joint Collector/Ex.Officio Executive Director, A.P.Vikalangula Cooperative Corporation, Krishna District, Machilipatnam.
2. The Project Officer, Training cum Production Centre, Vijayawada, Krishna District.

….Redspondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Certiorari, calling for the records pertaining to letter No.TCPC-VJA./CC-9/97, dated 24.10.1997 of the first respondent and declare it as illegal and quash the same.

Counsel for the Petitioner: Smt. A.Chaya Devi.

Counsel for the Respondent Nos.1&2: Mr.K.Ramanujachari.

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W.P.No.36918 of 1998:

Between:

1. Masakapalli Venkateshwar Rao,S/o.Venkat Rao, 45 years, Counselling, Rehabilitation and Marketting Officer, O/o.District Manager, A.P.Vikalangula Cooperative Corporation, Kakinada, East Godavari District.

2. Yandra Trinadha Satyanarayana Prasad, S/o. Late Sathi Raju, 48 years, Junior assistant, O/o.District Manager, A.P.Vikalangula Cooperative Corporation, Kakinada, East Godavari District.

3. Indukuri Gopala Krishna, S/o.late Bangara Raju, 45 years, Helper, O/o.District Manager, A.P.Vikalangula Cooperative Corporation, Kakinada, East Godavari District. (A.P.)

4. Mohibur Rehman S/o.Ismail, 44 years, Welfare Assistant, Hearing Aid Centre, O/o.District Manager, A.P.Vikalangula Cooperative Corporation, Kakinada, East Godavari District.

5. V.Javvadi Rama Krishna, S/o.Late Venkata Swamy, 35 years, Helper, Hearing Aid Centre, O/o.District Manager, A.P.Vikalangula Cooperative Corporation,Kakinada, East Godavari District.

….Petitioners

AND

1. The Government of Andhra Pradesh, rep. byits Principal Secretary, Women and Child Welfare Department, Secretariat Buildings, Hyderabad.

2. The Managing Director, Andhra Pradesh Vikalangula Cooperative Corporation, B.R.K.Bhavan, Tank Bund, Hyderabad.

3. The District Manager, A.P.Vikalangula Cooperative Corporation, Kakinada, East Godavari District.

4. The Government of Andhra Pradesh, rep. by its Principal Secretary, Finance and Planning Department, Secretariat Buildings, Hyderabad.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, directing the respondents to fix the pay of the petitioners in the revised pay scales of 1993 with allowances and pay the arrears of salary and allowances due to the petitioners.

Counsel for the Petitioners:Mr.P.V.Subrahmanya Sarma.

Counsel for the Respondent No.1: G.P. for Women and Child Welfare.

Counsel for the Respondent Nos.2&3:Mr.K.Ramanujachari.

Counsel for the Respondent No.4: G.P. for Finance and Planning.

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W. P.No.3839 of 1999:

Between:

K.Srinivasa Rao, S/o.K.Chandra Rao, aged 40 years, Hindu,

Working as CRMO, Andhra Pradesh Vikalangula Cooperative

Corporation, Machilipatnam-Vijayawada, Krishna District.

….Petitioner

AND

1. The Managing Director, Andhra Pradesh Vikalangula Cooperative Corporation, Ground Floor, BRKR Bhavan, Hyderabad.
2. Joint Collector/Ex.Officio Executive Director, Andhra Pradesh Vikalangula Cooperative Corporation, Machilipatnam, Krishna District.
3. Assistant Director (Disable Welfare)/District Manager, Andhra Pradesh Vikalangula Cooperative Corporation, Collectorate Compound, Machilipatnam, Krishna District.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari directing the respondents to produce all connected records pertaining to the impugned order in Proc.No.APVCC/JB/ESTT/99/D-1609, dt.8.2.99 of 1st respondent and declare the same as illegal, arbitrary and in violation of principles of natural justice and that set aside the same.

Counsel for the Petitioner: Smt. A.Chaya Devi.

Counsel for the Respondents 1 to 3: Mr.K.Ramanujachari.

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W.P.no.4393 of 1999:

Between:

A.P.Prasad, S/o.Venkateswara Rao, aged about 42 years,

Working as Junior Accountant, Training-cum-Production

Centre, Andhra Pradesh Vikalangula Cooperative Corporation,

Vijayawada, Krishna District.

….Petitioner

AND

1. The Deputy Director of Social Welfare, Krishna, Machilipatnam.
2. The Andhra Pradesh Vikalangula Coop.Corporation, rep. by its Managing Director, Ground Floor, BRKR Buildings, Near Tank Bund, Hyderabad.
3. The Andhra Pradesh Social Welfare Residential Education Institutions Society (Regd.), Hyderabad, rep. by its Secretary, Masab Tank, Hyderabad.
4. The Executive Director/Joint Collector, Andhra Pradesh Vikalangula Coop. Corporation, Machilipatnam, Krishna District.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly in the nature of Writ of Mandamus, declaring the proceedings No.Estt/5/98/D-1074 dated 26.10.1998 of the 2nd respondent as arbitrary, illegal for extraneous considerations and in violation of Article 14 of the Constitution of India and to issue a consequential direction to the respondents Nos.2 and 4 to continue the petitioner in the 2nd respondent Corporation as Junior Accountant.

Counsel for the Petitioner : Mr.Korrapati Subba Rao.

Counsel for the Respondent No.1: G.P. for Social Welfare.

Counsel for the Respondent Nos.2&4: Mr.K.Ramanujachari

Counsel for the Respondent No.3: None appeared.

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W.P.No.9343 of 1999:

Between:

1. Y.Rama Prasada Rao, S/o.Rama Rao, agedabout 40 years, Skilled Fitter, Training cum Production Centre, Andhra Pradesh Vikalangula Coop.Corporation, Bakkannapalem, Visakhapatnam.

2. N.Simhadri, S/o.Papaiah, aged about 37 years, Helper (Technical), Training cum Production Centre, Andhra Pradesh Vikalangula Coop. Corporation, Gajapathinagaram, Vizianagaram District.

3. M.JagadeswaraRao, S/o.Rama Narasimham, aged about 37 years, Helper (Technical), Training cum Production Centre, Andhra Pradesh Vikalangula Coop. Corporation, Gajapathinagaram, Vizianagaram District.

….Petitioners

AND

1. The Government of Andhra Pradesh rep. by its Secretary to Government, Women's Development and ChildWelfare (WH.D) Department, Secretariat, Hyderabad.

2. The Andhra Pradesh Vikalangula Coop.Corporation rep. by its Managing Director, BRKR Buildings, Ground Floor, Near Tank Bund, Hyderabad.

3. The Project Officer, Training cum Production Centre, Andhra Pradesh Vikalangula Coop. Corporation, Bakkannapalem, Visakhapatnam.

4. The Project Officer, Training cum Production Centre, Andhra Pradesh Vikalangula Coop. Corporation, Gjapathinagaram, Vizianagaram District.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in not paying the arrears of salary to the petitioners pursuant to the Proceedings Rc.No.1/91/TCPC, dated 30.12.1995 of the 4th respondent and the Proceedings Rc.No.24/90/TCPC, dated 4.1.1996 of the 3rd respondent, as arbitrary, illegal, and in violation of Article 14 of the Constitution of India and to issue a consequential direction to the respondents to pay the arrears of salary to the

petitioners pursuant to the Proceedings No.Rc.No.1/91/TCPC, dated 30.12.1995 of the 4th respondent and the proceedings Rc.No.24/90/TCPC dated 4.1.1996 of the 3rd respondent forthwith.

Counsel for the Petitioners: Subbarao Korrapati

Counsel for the Respondent No.1 : G.P. for Social Welfare.

Counsel for the Respondent Nos.2 to 4: Mr.K. Ramanujachari.

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W.P.No.16100 of 1999:

Between:

1. S.Aralaiah, S/o.Soulaiah, aged about 35 years, Employee, T.C.P.C., A.P.V.C.C., Tarnaka, Hyderabad.

2. K.V.Subba Rao, S/o.Krishna Murthy, aged about 38 years, Employee, T.C.P.C.,A.P.V.C.C., Tarnaka, Hyderabad.

3. M.Ravinder,S/o.Papaiah, aged about 40 years, Employee, T.C.P.C., A.P.V.C.C., Tarnaka, Hyderabad.

….Petitioners

AND

1. Andhra Pradesh Vikalangula Cooperative Corporation, rep. by its Managing Director, B.R.K.R.Bhavan, Tank Bund Road, Hyderabad.

2. The Project Officer, T.C.P.C. for PHC, Sanghi College Campus, Tarnaka, Hyderabad – 500 017.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the inaction of the respondents in paying the arrears of the revised pay scales of the petitioners herein, pursuant to its own proceedings dated 5.8.1995, 5.5.1994 and 12.9.1995 respectively, as arbitrary, illegal, capricious and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents herein to pay the arrears of revised pay scale to the petitioners forthwith.

Counsel for the petitioners: Mr. Sai Gangadhar Chamarty.

Counselt for the Respondent Nos.1 & 2: Mr.K. Ramanujachari.

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W.P.No.17150 of 1999:

Between:

1. P.Rama Rao, S/o.Suryanarayana, Instructor,
2. P.Krishnamurthy, S/o.Pullaiah, instructor, Social Studies,
3. K.Srinivasa Rao, S/o.Sanyasi Rao, Driver,
4. P.Govind, S/o.Subrahmayam, Attender,
5. Salla Venkayamma, W/o.late Somulu, Cook,
6. Ch.Ramu, S/o.Ramalingam,Treadle Operator,
7. K.Appala Reddy, S/o.Ramu Naidu, Non-Technical Helper,
8. K.Sriramachandra Murthy, S/o.Narayana Murthy, Non-Technical Helper (Fitter),
9. Ch.Bhaskara Rao, S/o.Rama Murthy, Technical helper (Fitter),
10. A.Balaseshu Kumar, S/o.Ramalaingeswara Swamy, Non-Technical Helper,
11. P.V.Ramana Murthy, S/o.Thaviti Naidu, TechnicalHelper (Painter),
12. P.Appala Naidu, S/o.Suri,Non-Technical Helper,
13. N.Mohana Rao, S/o.Janardhana, Technical Helper (Painter)
14. K.Subbarao, S/o.Sanyasi Rao, Junior Assistant,
15. V.V.V.Satyanarayana Murthy, S/o.Kalidas, Non-Technical Helper,
16. T.Rajulu, S/o.Guruvulu, Non-Technical Helper,
17. A.Narasinga Rao, S/o.Narasimha Rao, Attender,
18. D.Latha, D/o.Jagannadha Rao, Junior Assistant,
19. K.Suryanarayana, S/o.Lakshminarayana, Non-Technical Helper,
20. G.V.S.Sai Prasad, S/o.G.V.S.Krishna Murthy, Junior

Assistant,

21. L.Gurumurthy, S/o.Yendarao, Helper,

22. R.Suryanarayana Raju, S/o.Vijayarama Raju, Project

Officer,

23. Y.Sreeramachandra ;Murthy, S/o.Viswanadham, Junior

Assistant,

24. P.Koteswara Rao, S/o.Venkateswarlu, Technical Helper,

25. V.Gopala Rao, S/o.Yella Rao, Attender,

26. B.Laxmanudu, S/o.Venkataratnam, Store Keeper,

27. G.Babu Rao, S/o.Bapiraju, Compositor,

28. D.V.S.Nagabhushana Rao, S/o.Adiyya, Junior Assistant,

29. K.V.V.Subrahmanyam, S/o.Venkanna, Technical Helper

(Fitter)

30. V.Krishna Murthy, S/o.late V.S.Rayudu, Junior Assistant.

(All are employees of A.P.Vikalangula Cooperative Corporation.

Petitioners 1 to 21 are working at Visakhapatnam,

Petitioners 22 to 29 are working at Kakinada, and

Petitioner No.30 is working at Srikakulam)

….Petitioners

AND

1. The Govt. of A.P., rep. by its PrincipalSecretary, Finance and Planning Department, Secretariat,

2. The Principal Secretary to the Govt. of A.P., Women's Development, Child Welfare and Disabled Welfare Department, Secretariat, Hyderabad.

3. A.P.Vikalangula Cooperative Corporation, rep. by its Managing Director, B.R.K.R.Buildings, Ground Floor, near Tankbund, Hyderabad.

4. The Project Officer, T.C.P.C., A.P.Vikalangula Cooperative Corporation, Bakkannapalem, Visakhapatnam – 4.

5. The Project Officer, T.C.P.C., A.P.Vikalangula Cooperative Corporation, Sambamurthy Nagar, Kakinada.

6. The Project Officer, T.C.P.C., A.P.Vikalangula Cooperative Corporation,

Etcherla, Srikakulam District.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not granting the annual grade increments, leaves, and other allowances to the petitioners though they are sanctioned pay scales and paid the salaries accordingly from 1.1.95 is illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 21 of Constitution of India, and consequently direct the respondents to sanction the annual grade increments with effect from 1.1.96, the leaves allowances and other benefits which form part of the scales from 1.1.95 and pay the scales accordingly including arrears forthwith.

Counsel for the petitioners: Mr.V.Sudhakar Reddy.

Counsel for the Respondent No.1: G.P. for Finance and Planning.

Counsel for the Respondent No.2: G.P.for Social Welfare.

Counsel for the Respondent Nos. 3 to 4: Mr. K. Ramanujachari.

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W.P.No.2984 of 2001

Between:

T.Ramachandra Rao, S/o.late Subbarao, working as Junior Orthotist Technician, Caliper Center, Andhra Pradesh Vikalangula Cooperative Corporation, Warangal.

….Petitioner

AND

1. The Government of Andhra Pradesh, rep. by its Secretary to Women's Development, Child Welfare and Disabled Welfare (DW) Department, Secretariat, Hyderabad.

2. The Andhra Pradesh Vikalangula Cooperative Corporation, rep. by its ManagingDirector, BRKR Building, Ground Floor, Near Tank Bund, Hyderabad.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in not fixing the pay scale of the petitioner as Rs.1875-3750/- as per PRC 1993 in the cadre of Junior Orthotist Technician, as arbitrary, illegal, in violation of Article 14 of the Constitution of India and in violation of PRC 1993 and to issue a consequential direction to the respondents to fix the pay of the petitioner in the pay scale of Rs.1875-3750/- w.e.f. 1-4-1993 as directed in PRC 1993 with all consequential benefits including arrears.

Counsel for the Petitioner: Mr. Subba Rao Korrapati.

Counsel for the Respondent No.1: G.P. for Social Welfare.

Counsel for the Respondent No.2: Mr.K.Ramanujachari.

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W.P.No.3391 of 2004:

Between:

O. Suryanarayana Reddy, S/o. Pullareddy, working as Record Assistant, Training cum Production Centre, Andhra Pradesh Vikalangula Cooperative Corporation, Ananthapur.

….Petitioner

AND

1. The Andhra Pradesh Vikalangula Cooperative Corporation, rep. by its Managing Director, Ground Floor, BRKR Buildings, Near Tank Bund, Hyderabad.
2. The District Manager, Andhra Pradesh Vikalangula Cooperative Corporation, Ananthapur.
3. The Project Officer, Training cum Production Centre, Andhra Pradesh Vikalangula Cooperative Corporation, Ananthapur.

….Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion as Welfare Assistant and not promoting him as Welfare Assistant as arbitrary, illegal, in violation of Article 14 of the Constitution of India and

to issue a consequential direction to the respondents to consider the case of the petitioner for promotion to the post of Welfare Assistant and promote him as Welfare Assistant with all consequential benefits.

Counsel for the Petitioner: Mr. Subbarao Korrapati

Counsel for the Respondent Nos.1 to 3: Mr. K.Ramanujachari, Standing Counsel for A.P.V.C.C.

The Court made the following:

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.Nos.14862,21590,23909,24900,26224,28923 & 29987 of 1995, 9069,9192 & 12426 of 1996, 1110 & 28801 of 1997, 36918 of 1998, 3839,4393, 9343, 16100 & 17150 of 1999, 2984 of 2001 and 3391 of 2004

COMMON ORDER:

In these writ petitions, the petitioners are seeking fixation of pay scales, promotion, arrears of salary etc., and also challenging the orders of suspension, reversion, retrenchment, repatriation etc. passed by the Andhra Pradesh Vikalangula Cooperative Corporation.

Similar writ petitions were dismissed by this Court by a common Judgment dated 29-10-2004 in W.P.No.21643 of 2000 and batch. Following the same, these writ petitions are liable to be dismissed as not maintainable, since they seek judicial review of the service conditions, which are in the realm of pure contract made under bye-laws, which have no statutory force or flavour. Further, petitioners have effective and efficacious alternative remedy by way of approaching the authorities under the Cooperative Societies Act to work out their remedies.

Accordingly, the writ petitions are dismissed. The petitioners are at liberty to

approach the authorities under the A.P. Cooperative Societies Act for redressal of their grievances, if they are so advised. There shall be no order as to costs.

November 02, 2004

Prk

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Managing Director, A.P. Vikalangula Cooperative Corporation, 11-4-634, B.Block, Venkatramana Apartment, A.C.Guards, Hyderabad.
2. Project Officer (T.C.P.C.Centre), Training cum Production Centre, A.P.V.C.C., Ongole, Prakasam District.
3. The Secretaru. Government of Andhra Pradesh, Social Welfare Department, Secretariat Buildings, Saifabad, Hyderabad.
4. The Project Officer, Training-cum-Production Centre, A.P.Vikalangula Cooperative Corporation Ltd., Industrial Estate, Ananthapur.
5. The Joint Collector/Ex.Officio Executive Director, A.P.Vikalangula Cooperative Corporation, Krishna District, Machilipatnam.
6. The Project Officer, Training cum Production Centre, Vijayawada, Krishna District.
7. The Principal Secretary, Government of Andhra Pradesh, Women and Child Welfare Department, Secretariat Buildings, Hyderabad.
8. The District Manager, A.P.Vikalangula Cooperative Corporation, Kakinada, East Godavari District.
9. The Principal Secretary, Government of Andhra Pradesh, Finance and Planning Department, Secretariat Buildings, Hyderabad.

10. Joint Collector/Ex.Officio Executive Director, Andhra Pradesh Vikalangula Cooperative Corporation, Machilipatnam, Krishna District.

111. Assistant Director (Disable Welfare)/District Manager, Andhra Pradesh Vikalangula Cooperative Corporation, Collectorate Compound, Machilipatnam, Krishna District.

112. The Deputy Director of Social Welfare, Krishna, Machilipatnam.

113. The Executive Director/Joint Collector, Andhra Pradesh Vikalangula Coop. Corporation, Machilipatnam, Krishna District.

114. The Project Officer, Training cum Production Centre, Andhra Pradesh Vikalangula Coop. Corporation, Bakkannapalem, Visakhapatnam.

115. The Project Officer, Training cum Production Centre, Andhra Pradesh Vikalangula Coop. Corporation, Gjapathinagaram, Vizianagaram District.

116. The Project Officer, T.C.P.C. for PHC, Sanghi College Campus, Tarnaka, Hyderabad – 500 017.

117. The Project Officer, T.C.P.C., A.P.Vikalangula Cooperative Corporation, Bakkannapalem, Visakhapatnam – 4.

118. The Project Officer, T.C.P.C.,A.P.Vikalangula Cooperative Corporation, Sambamurthy Nagar, Kakinada.

119. The Project Officer, T.C.P.C., A.P.Vikalangula Cooperative Corporation, Etcherla, Srikakulam District.

20. The District Manager, Andhra Pradesh Vikalangula Cooperative Corporation, Ananthapur.

21. Two C.Cs. to the Government Pleader for Finance and Planning, High Court Buildings, Hyderabad. (OUT)

22.Two C.Cs. to the Government Pleader for Social Welfare,

HighCourt Buildings, Hyderabad. (O.U.T.)

23.Two C.D. copies.